

CHAPTER 11 ELECTRIC LINES

[Previously Ch 2, renumbered 10/20/75 Supp.]
[Prior to 10/8/86, Commerce Commission[250]]

199—11.1(478) General information.

11.1(1) Authority. The standards pertaining to electric transmission lines in this chapter are prescribed by the Iowa utilities board pursuant to Iowa Code sections 478.18(1), 478.19 and 478.20. This chapter shall apply to any individual, company, corporation, or city engaged in the construction, operation, and maintenance of electric transmission lines to the extent provided in Iowa Code chapter 478.

11.1(2) Purpose. The purpose of this chapter is to establish standards for electric franchise proceedings before the Iowa utilities board.

11.1(3) Iowa electrical safety code. Overhead and underground electric supply line minimum requirements to be applied in installation, operation, and maintenance are found in 199—Chapter 25, Iowa electrical safety code.

11.1(4) Date of filing. A petition for franchise shall be considered filed with the board on the date of the United States Postal Service postmark if the filing is made by mail, or on the date received at the board's records center if the filing is made in person or sent other than by United States mail.

11.1(5) Franchise—when required. An electric franchise shall be required for the construction, operation, and maintenance of any electric line which is capable of operating at 69,000 volts or more outside of cities, except that a franchise is not required for electric lines located entirely within the boundaries of property owned by an electric company or an end user.

11.1(6) Definitions. For the administration and interpretation of this chapter, the following words and terms, when used in these rules, shall have the meanings indicated below:

“Board” means the utilities board within the utilities division of the department of commerce.

“Capable of operating” shall mean the standard voltage rating at which the line, wire or cable can be operated consistent with the level of the insulators and the conductors used in construction of the line, wire, or cable based on manufacturer's specifications, industry practice, and applicable industry standards.

11.1(7) Route selection. The planning for a route that is the subject of a petition for franchise must begin with routes that are near and parallel to roads, railroad rights-of-way, or division lines of land, according to the government survey, consistent with the provisions of Iowa Code section 478.18(2). When a route near and parallel to these features has points where electric line construction is not practicable and reasonable, deviations may be proposed at those points, when accompanied by a proper evidentiary showing, generally of engineering reasons, that the initial route or routes examined did not meet the practicable and reasonable standard. Although deviations based on landowner preference or minimizing interference with land use may be permissible, the petitioner must be able to demonstrate that route planning began with a route or routes near and parallel to roads, railroad rights-of-way, or division lines of land.

Further, no transmission line shall be constructed outside of cities, except by agreement, within 100 feet of any dwelling house or other building, except where such line crosses or passes along a public highway or is located alongside or parallel with the right-of-way of any railroad company, consistent with the provisions of Iowa Code section 478.20.

199—11.2(478) Forms of petition for franchise, extension, or amendment of franchise.

11.2(1) Forms of petition for a new or amended franchise. A petition for a new or amended franchise filed with the board shall be made in the following manner. A petition shall be made on forms prescribed by the board, shall be notarized, and shall have all required exhibits attached. Exhibits in addition to those required by this rule may be attached when appropriate.

a. Exhibit A. A legal description of the route. The description shall include the name of the county, the maximum and nominal voltages, the beginning and ending points of the line, and whether the route is on public, private, or railroad right-of-way. In the case of the multicounty projects, the description shall identify all counties involved in the total project and any termini located in other counties.

b. Exhibit B. A map showing the route of the line drawn with reasonable accuracy considering the scale. Two copies shall be submitted. The map may be to any scale appropriate for the level of detail to be shown, but not smaller than one inch to the mile. The following minimum information shall be provided:

(1) The route of the electric line which is the subject of the petition, including starting and end points and, when paralleling a road or railroad, which side it is on. Line sections with double circuit construction or underbuild shall be designated.

(2) The name of the county, county and section lines, section numbers, and the township and range numbers.

(3) The location and identity of roads, major streams and bodies of water, and any other pertinent natural or man-made features influencing the route.

(4) The name and corporate limits of cities.

(5) The name and boundaries of any public lands or parks, recreational areas, preserves or wildlife refuges.

(6) All electric supply lines, including petitioner's within six-tenths of a mile of the route, including the nominal voltage and whether overhead or buried, and the name and address of the owners. Any lines to be removed or relocated shall be designated.

(7) The location of railroad rights-of-way, including the name and address of the owners.

(8) The location of airports or landing strips within one mile of the route, along with the name and address of the owners.

(9) The location of pipelines used for the transportation of any solid, liquid, or gaseous substance, except water, within six-tenths of a mile of the route, along with the name and address of the owners.

(10) The name and address of the owners of telephone, communication, or cable television lines within six-tenths of a mile of the route. The location of these lines need not be shown.

(11) The name and address of the owners of rural water districts organized pursuant to Iowa Code chapter 357A with facilities within six-tenths of a mile of the route. The location of these facilities need not be shown.

c. Exhibit C. Technical information and engineering specifications describing typical materials, equipment and assembly methods as specified on forms provided by the board.

d. Exhibit D. The exhibit shall consist of a written text containing the following:

(1) An allegation, with supporting testimony, that the line is necessary to serve a public use, plus such additional substantiated allegations as may be required by Iowa Code section 478.3(2).

(2) If the route or any portion thereof is not near and parallel to railroad right-of-way or along division lines of the lands, according to government surveys, a showing of why such parallel routing is not practicable or reasonable.

(3) If the route and manner of construction would result in separate pole lines for two or more electric supply lines occupying the same road right-of-way in a manner not in compliance with 199 IAC 11.6(1), a request that the board authorize separate pole lines and justification for the authorization.

(4) Any other information or explanations in support of the petition.

(5) If a new franchise must be sought for an existing electric line, historical information as specified in 199 IAC 11.2(2) "d"(1) to (4).

e. Exhibit E. This exhibit is required only if the petition requests the right of eminent domain. This exhibit shall be in its final form prior to issuance of the form of notice by the board pursuant to 199 IAC 11.5(2) "a." It shall consist of a map of the route showing the location of each property for which the right of eminent domain is sought, and for each property:

- (1) The legal description of the property.
- (2) The legal description of the desired easement.
- (3) A specific description of the easement rights being sought.
- (4) The names and addresses of all persons with an ownership interest in the property and of all tenants.

(5) A map drawn to an appropriate scale showing the boundaries of the property, the boundaries and dimensions of the proposed easement, the location of all electric lines and supports within the proposed easement, the location of and distance to any building within 100 feet of the proposed electric line, and any other features pertinent to the location of the line and its supports or to the rights being sought.

f. Exhibit F. The showing of notice to potentially affected parties as required by 199 IAC 11.5(4).

g. Exhibit G. The affidavit required by Iowa Code section 478.3 on the holding of an informational meeting. Copies of the mailed notice letter and the published notice(s) of the informational meeting shall be attached to the affidavit. This exhibit is required only if an informational meeting was conducted.

11.2(2) Form of petition for extension of franchise. A petition for an extension of franchise filed with the board shall be made in the following manner. A petition shall be made on forms prescribed by the board, shall be notarized, and shall have all required exhibits attached. Exhibits in addition to those required by this rule may be attached when appropriate.

a. Exhibit A. A legal description of the route. The description shall include the name of the county, the maximum and nominal voltages, the beginning and ending points of the line, and whether the route is on public, private, or railroad right-of-way. The description shall identify any termini located in other counties.

b. Exhibit B. A map showing the route of the line drawn with reasonable accuracy considering the scale. Two copies shall be submitted. The map may be to any scale appropriate for the level of detail to be shown, but not smaller than one inch to the mile. The following minimum information shall be provided:

(1) The route of the electric line which is the subject of the petition, including starting and end points and, when paralleling a road or railroad, which side it is on. Line sections with double circuit construction or underbuild shall be designated. The nominal voltage and ownership of other circuits or underbuild shall be indicated.

(2) The name of the county, county and section lines, section numbers, and the township and range numbers.

(3) The location and identity of roads, railroads, major streams and bodies of water, and any other significant natural or man-made features or landmarks.

(4) The name and corporate limits of cities.

c. Exhibit C. Technical information and engineering specifications describing typical materials, equipment and assembly methods as specified on forms provided by the board.

d. Exhibit D. The exhibit shall consist of a written text containing the following:

(1) A listing of all existing franchises for which extension in whole or in part is sought, including the docket number, franchise number, date of issue, county of location, and to whom granted.

(2) A listing of all amendments to the franchises listed in (1), including the docket number, amendment number, date of issue, and the purpose of the amendment.

- (3) A description of any substantial rebuilds, reconstructions, alterations, relocations, or changes in operation not included in a prior franchise or amendment action.
- (4) A description of any changes in ownership or operating and maintenance responsibility.
- (5) An allegation, with supporting testimony, that the line remains necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest.
- (6) Any other information or explanations in support of the petition.

199—11.3(478) Additional filing instructions.

11.3(1) Forms. The following forms are available from the utilities board and the appropriate form shall be used when filing any petition. An original and one copy of the petition and exhibits shall be filed.

- a. Petition for Franchise. Temporary Construction Permits may also be requested on this form where the permits are allowed by Iowa Code section 478.31.
- b. Petition for Extension of Franchise.
- c. Petition for Amendment to Franchise.
- d. Petition for Permit to Survey.
- e. Exhibit C: Engineering Specifications for Overhead Transmission Line.
- f. Exhibit C-UG: Engineering Specifications for Underground Transmission Line.

11.3(2) When filing is required.

a. A petition for franchise shall be filed with the board for the construction of any electric line outside of a city which is capable of operating at a nominal voltage of 69 kilovolts or more, except that a franchise is not required for electric lines located entirely within the boundaries of property owned by an electric company or an end user.

b. A petition for extension of franchise may be filed at any time after the issuance of the franchise, but must be filed prior to its expiration. The extension of more than one franchise may be requested in a single petition, including for all franchised lines in a county as provided for in Iowa Code section 478.13.

However, an extension of franchise is unnecessary for an electric line which is capable of operating at 69 kilovolts or more, when the line has been permanently retired from operation at 69 kilovolts or more, and the board has been notified of the retirement. The line may remain in service at a lesser voltage. The notice shall include the franchise number and issue date, the docket number, and, if the entire franchised line is not retired, a map showing the location of the portion retired.

c. A petition for amendment to franchise shall be filed with the board for approval prior to:

- (1) Increasing the operating voltage of any electric line, or the level to which it is capable of operating, to a voltage greater than that specified in the existing franchise.
- (2) Construction of an additional circuit which is capable of operating at a nominal voltage of 69 kilovolts or more on a previously franchised line, where an additional circuit at such voltage is not authorized by the existing franchise.

(3) Relocation of a franchised electric line to a route different from that authorized by an existing franchise. For the purpose of this subrule, relocation means changing the route of an existing electric line in a manner which requires that new or additional interests in property be obtained, or that new or additional authorization be obtained from highway or railroad authorities, for a total distance of one mile or more, except that an amendment is not required for relocations made pursuant to Iowa Code section 319.5. Petitions for amendment to franchise may be filed for relocations of less than one mile if the right of eminent domain is sought.

(4) An amendment to franchise shall not be required for a voltage increase, additional circuit, or electric line relocation where such activity takes place entirely within the boundaries of property owned by an electric company or an end user.

11.3(3) Form of papers.

a. All petition papers shall be cut or folded so as not to exceed a width of 8½ inches and a length of 11 inches.

b. All petition maps or drawings shall be cut or folded so as not to exceed a width of 8½ inches and a length of 11 inches. The unfolded sheet shall be limited to a maximum size of 24 inches by 36 inches.

c. All maps and drawings submitted to the board shall be neatly and clearly drawn, shall have an appropriate legend, and shall have a title block or heading which indicates its origin and purpose.

d. Insofar as practicable, all papers, maps or drawings to be submitted as hearing exhibits shall be cut or folded so as not to exceed a width of 8½ inches and a length of 11 inches.

11.3(4) Multiple county. For a proposed line to be constructed in more than one county a petition for each county shall be filed in a form which provides for a general description of the total project, including a separate legal description for the line route in each county so that an official notice may be prepared for each county separately. A franchise or certificate for construction of lines or improvements will be prepared for each county separately, although they may be consolidated and acted upon by one order.

11.3(5) Segmental ownership.

a. Petitions covering line routes, having segments of the total line with different owners, shall establish the need to serve the public use for the total line.

b. Petitions covering line routes, having segments of the total line with different owners, shall include affidavits furnished by the other owners certifying that said other owners will actually construct a particular segment.

11.3(6) Termini. This means the electrically functional end points of an electric line, without which it could not serve a public use. Examples include generating stations, substations, or other electric lines. In any franchise petition the termini must be identified in Exhibit A, B, or D.

11.3(7) Compliance with Iowa electrical safety code. If review of Exhibit C, or inspection of an existing electric line which is the subject of a franchise petition, finds noncompliance with 199 IAC 25, the Iowa electrical safety code, no final action will be taken by the board on the petition without a satisfactory showing by petitioner that the areas of noncompliance have been or will be corrected. Any disputed safety code compliance issues will be resolved by the board.

This rule is intended to implement Iowa Code section 474.5 and chapter 478.

199—11.4(478) Informational meetings. Not less than 30 days or more than two years prior to filing a petition or related petitions requesting franchise for a new transmission line which is capable of operating at 69 kilovolts (or for which line, easement will be sought for 69 kV) or more, with one or more miles of the total proposed route across privately owned real estate, the prospective petitioner(s) shall hold informational meetings in each county in which real property or real property rights will be affected. Informational meetings shall comply with the following:

11.4(1) Facilities. Prospective petitioners for franchise shall be responsible for all negotiations and compensation for a suitable facility to be used for each informational meeting, including but not limited to a building or facility which is in compliance with the requirements of the Americans With Disabilities Act of 1990, and parking facilities, and electronic voice amplification equipment when over 100 notices are served. Reasonable effort shall be made to select a building or facility that conforms to the access requirements of Iowa Code section 104A.3, subsections 2, 3, and 4.

11.4(2) Location. The informational meeting location shall be reasonably accessible to all persons, companies or corporations which may be affected by the granting of a franchise in that county.

11.4(3) Personnel. The prospective petitioner shall provide qualified personnel to speak for the petitioner in matters relating to the following:

a. Utility service requirements and planning which have resulted in the proposed construction.

b. When the line will be constructed.

c. In general terms, the physical construction, appearance and typical location of poles and conductors with respect to property lines.

d. In general terms, the rights which petitioner shall seek to acquire by easements.

e. Procedures to be followed in contacting affected parties for specific negotiations in acquiring voluntary easements.

f. Methods and factors used in arriving at an offered price for voluntary easements including the range of cash amount of each component.

g. Manner in which voluntary easement payments are made, including discussion of conditional easements, signing fees and time of payment.

h. Other factors or damages not included in the easement for which compensation is made, including features of interest to affected parties but not limited to computation of amounts and manner of payment.

i. If the undertaking is a joint effort by more than one entity, the other participants shall also be represented at the informational meeting by qualified personnel to speak for them in the matters set forth in 11.4(3) "a" through 11.4(3) "h."

11.4(4) *Coordinating with board.* The date, time, and location of the informational meeting shall be selected after consultation with the board to allow for scheduling of presiding officers.

11.4(5) *Amendments to franchise.* Prior to filing any petition for amendment to franchise where petitioner must obtain new or additional interests in real property for a total of one route mile or more, informational meetings shall be held which meet the requirements of 199 IAC 11.4(478).

11.4(6) *Length of easements.* The length of easements required for conductor and crossarm overhang of private property, even if no supporting structures are located on that land, shall be included in determining whether an informational meeting is required pursuant to Iowa Code section 478.2.

199—11.5(478) Notices.

11.5(1) *Informational meeting notice.* Announcement by mailed and published notice of the meeting shall be given to affected parties of interest in real estate. Affected parties of interest in real estate are those persons, companies or corporations listed on the tax assessment rolls as responsible for payment of real estate taxes and parties in possession of or residing on the property over which the prospective petitioner will seek easements.

a. The notice shall set forth the name of the applicant; the applicant's principal place of business; the general description and purpose of the proposed project; the general nature of the right-of-way desired; the possibility that the right-of-way may be acquired by condemnation if approved by the utilities board; a map showing the route of the proposed project; a description of the process used by the board in making a decision on whether to approve a franchise or grant the right to take property by eminent domain; that the landowner has a right to be present at such meeting and to file objections with the board; and a designation of the time and place of the meeting; and contain the following statement: Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515)281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

b. Prospective petitioner shall cause a written copy of the meeting notice to be served, by certified United States mail with return receipt requested, on all affected parties whose residence is known. The certified article shall be deposited in the U.S. mail not less than 30 days prior to the time set for the meeting.

c. Prospective petitioner shall cause the meeting notice including the map, to be published once in a newspaper of general circulation in the county at least one week and not more than three weeks prior to the time set for the meeting. Publication shall be considered notice to affected parties whose residence is not known.

11.5(2) Notice of franchise petition.

a. Whenever a petition for a franchise, extension of franchise, or amendment of franchise is filed with the board, the board shall prepare a notice addressed to the citizens of each county through which the line or lines extend. The petitioner shall cause this notice to be published in a newspaper located in each county for two consecutive weeks. Proof of publication shall be filed with the board. This published notice shall constitute sufficient notice to all parties of the proceeding, except owners of record and parties in possession of land to be crossed for which voluntary easements have not been obtained at the time of the first publication of the notice.

b. The petitioner shall, in addition to published notice, serve notice in writing of the filing of the petition to the owners of record and the parties in possession of the lands over which easements have not been obtained. The served notices shall be by ordinary mail, addressed to the last-known address, mailed not later than the first day of publication of the official notice. One copy of each letter of notification, or one copy of the letter accompanied by a written statement listing all parties to which it was mailed and the date of mailing, shall be filed with the board not later than five days after the date of second publication of the official notice.

c. Published notices of petitions for franchise or amendment of franchise, or extensions of franchise other than countywide extensions, shall include provisions whereby interested parties can examine a map of the route. When the petition is filed, petitioner shall state whether a map is to be published with the notice, or whether the notice is to include a telephone number and an address through which parties can request a map from petitioner at no charge. The map required by this subrule need not be as detailed as the Exhibit B map, but shall include at minimum the proposed route, section lines, section and township numbers, roads and railroads, city boundaries, and rivers and major bodies of water. A copy of this map shall be filed with the petition.

d. When a petition for countywide extension of franchise is filed, the petitioner shall state whether the published notice will contain a legal description of the route or will include a telephone number and an address through which parties can request a map from the petitioner at no charge. The map content shall be as described in subparagraph 11.5(2) "c." A copy of this map shall be filed with the petition.

11.5(3) Notice of eminent domain proceedings. If a petition for a franchise or amendment of franchise seeks the right of eminent domain, petitioner shall, in addition to published notice of hearing, serve the written notice required by Iowa Code section 478.6, in the form prescribed by the board, of the time and place of hearing to owners of record and parties in possession of lands over which eminent domain is sought. Service shall be by certified United States mail, return receipt requested, addressed to their last-known address, and this notice shall be mailed no later than the first day of publication of the official notice of hearing concerning the petition. The written notice shall include a copy of the Exhibit E filed with the board for the affected property. Not less than five days prior to the date of hearing, the petitioner shall file with the board the return receipt for the certified article. The ordinary mail notice of 11.5(2) is not required to parties for which statutory written notice is served in accordance with this paragraph.

11.5(4) Notice to other parties. Petitioners for a franchise or amendment to franchise shall give written notice by ordinary mail, mailed at the time the petition is filed with the board, accompanied by a map showing the route of the proposed electric supply line, to the affected parties described in 11.2(1)"b"(6) through (11) and the Iowa department of transportation. One copy of each letter of notification or one copy of the letter accompanied by a written statement listing all parties to which it was mailed, the date of mailing, and a copy of the map sent with the letters shall accompany the petition when it is filed with the board.

11.5(5) Notice of franchised line construction.

a. Within 90 days after completion of an electric line construction or reconstruction project authorized by a franchise or amendment to franchise, the holder of the franchise shall notify the board in writing of the completion. The notice shall include the franchise and docket numbers and the date the franchise was issued.

b. If the project is not completed by a date two years after the date of issuance of the franchise or amendment to franchise, prior to that date the holder of the franchise shall so notify the board in writing and, if construction has been initiated, shall report its progress.

c. If the facilities authorized by a franchise are not constructed in whole or in part within two years of the date the franchise is granted, or within two years after final unappealable disposition of judicial review of a franchise order or of condemnation proceedings, the franchise shall be forfeited unless the franchise holder petitions the board for an extension of time pursuant to Iowa Code section 478.21.

11.5(6) *Notice of deferred construction.* Rescinded IAB 5/14/03, effective 6/18/03.

11.5(7) *Notice of transfer or assignment of franchise.* The holder of a franchise shall notify the board in writing, when transferring any franchise or portion of a franchise, stating the applicable franchise number and docket number which are affected and a description of the route of the transmission line when less than the total franchised line is affected, together with the name of the transferee and date of transfer, not more than 30 days after the effective date of transfer.

11.5(8) *Notice of proposed construction of electric lines capable of operating only at less than 34,500 volts.* Rescinded IAB 4/8/98, effective 5/13/98.

11.5(9) *Notice of relocations not requiring an amendment to franchise.* Whenever an electric line under franchise is relocated in a manner which does not require an amendment to franchise, the holder of the franchise shall notify the board in writing of the relocation, stating the franchise and docket numbers and date of franchise issuance for the affected line, and providing revised Exhibits A and B which reflect the changes in the route.

11.5(10) *Notice of electric line reconstruction not requiring an amendment to franchise.* Whenever an electric line is reconstructed with different materials or specifications than appear on the most recent Exhibit C and an amendment to franchise is not required, the holder of the franchise shall notify the board in writing of the reconstruction, stating the franchise and docket numbers and date of franchise issuance for the affected line, and providing a revised Exhibit C which reflects the changes in the manner of construction.

199—11.6(478) Common and joint use.

11.6(1) *Common use construction.* Whenever an overhead electric line capable of operating at 69 kilovolts or more is built or rebuilt on public road rights-of-way located outside of cities, all parallel overhead electric supply circuits on the same road right-of-way shall be attached to the same or common line of structures unless the board authorizes, for good cause shown, the construction of separate pole lines.

11.6(2) *Joint use construction.* Rescinded IAB 5/14/03, effective 6/18/03.

11.6(3) *Relocating of lines.* When an electric supply line is to be constructed in a location occupied by an electric supply line or a communication line, the expense of relocating the existing line shall be borne by the utility proposing the new electric supply line. The electric utility proposing the new line shall not be required to pay any part of the used life of the existing line, but shall pay only the nonbetterment expense of relocating the existing line.

199—11.7(478) Termination of franchise petition proceedings.

11.7(1) Upon notice to the board by a petitioner that a franchise petition is withdrawn, if the notification is made prior to the publication of a public notice, the proceeding may be terminated and the docket closed without formal action by the board.

11.7(2) If petitioner takes no action, for a period of 12 months after written notification by the board, to cure an incomplete or deficient franchise petition, or fails to publish notice within 90 days after the form of notice is provided by the board, the board may dismiss the petition as abandoned. If dismissal would cause an existing line to be without a franchise, the board may also pursue imposition of civil penalties.

199—11.8(478) Fees and expenses. The petitioner shall pay the actual unrecovered cost incurred by the board attributable to the processing, investigation, and inspection related to a petition requesting an electric franchise.

These rules are intended to implement Iowa Code sections 474.5 and 546.7 and chapter 478.

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